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Action by S. R. Hurley against Henry Shortridge and others in ejectment. Judgment for defendants, and plaintiff brings error. Affirmed.

Greever, Gillespie & Divine, of Tazewell, and *Finney & Stinson* and *Williams & Combs*, all of Grundy, for plaintiff in error.

Chase & Daugherty and *Skeen & Skeen*, all of Clintwood, for defendants in error.

BLONDELL et al. v. GUNTNER et al.

Nov. 11, 1915. Rehearing Denied Nov. 26, 1915.

[86 S. E. 897.]

Eminent Domain (§ 317*)—Exercise by Railroad—Title Obtained.—Where plaintiffs were owners of land condemned by a railroad company and afterwards sold by the company to defendants, title did not revert to plaintiffs upon the release of the land from the public servitude, since, under the express terms of Code 1887, § 1079, the railroad company took title in fee simple upon condemnation, and not a base fee, conditioned on user for railroad purposes.

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. §§ 834-840; Dec. Dig. § 317.* 5 Va.-W. Va. Enc. Dig. 114.]

Error to Circuit Court, Wise County.

Ejectment by E. L. Blondell and others against J. W. Guntner and others. From a judgment for defendants, plaintiffs bring error. Affirmed.

R. T. Irvine, of Big Stone Gap, and *C. R. McCorkle*, of Appalachia, for plaintiffs in error.

Vicars & Peery, *C. T. Duncan*, and *T. M. Fulton*, all of Wise, for defendants in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.